

Draft Minutes of the “66 Committee”

Project Cost-Sharing Committee of the WRTC and the EWCRC

Friday, 8 April 2005 at 8:00 a.m.

Dane County Highway Garage, 2302 Fish Hatchery Road, Madison, WI

Agenda

1. Joni Graves, WRTC staff, called the meeting of the new committee to order at 8:11 am
2. **Roll Call**

Name	Members	
Daniel Goetz	EWCRC	present
Joseph W. Koch	EWCRC	present
Edwin J. Qualmann	EWCRC	present
Gene Gray	WRTC	present
Forrest Van Schwartz	WRTC	present
Vacant	WRTC	

Other EWCRC and WRTC Commissioners present for some or all of the meeting: Gerald Shroble, Larry Volz, Phil Blazkowski (WRTC). **Others Present:** Joni Graves (SWWRPC/ WRTC staff); Jim Matzinger (Dane County Transportation/WRTC staff); Eileen Brownlee (WRTC Attorney); John Corey (EWCRC staff); Frank Huntington (WisDOT); Ken Lucht and Ben Meighan (WSOR). **Note:** Because this meeting preceded the regularly scheduled meeting of the WRTC Executive Committee, Commissioners and other arrived during the meeting but did not participate in the discussion.

3. **Certification of Proof of Public Notice / Van Schwartz / Qualmann / Motion passed unanimously.**
4. **Motion to approve the Agenda / Van Schwartz / Goetz / Motion passed unanimously.**
5. **Committee members and staff** reviewed and discussed information related to the establishment of the new committee and process issues.
6. **Election of Officers:** members informally agreed that a member from each Commission should be on the Executive Committee. **Gene Gray nominated Forrest Van Schwartz for Chair and Dan Goetz for Vice Chair / there was no opposition and the Motion passed by acclamation.**

FOLLOW-UP:

6A. Van Schwartz requested that an updated roster of members be provided.

7. **Action Item: Anderson Siding-Milton Junction Project**

Jim Matzinger explained the status of closing out the project and the plan for the disbursement of funds, as authorized by each Commission. The cost is less than initially projected and will be approximately \$11,700/county. Following action by the 66 Committee, WRTC will invoice its eight member counties, EWCRC (which will invoice its member counties), and Green County (Pecatonica Rail Transit Commission). John Corey told the group that previous action by the EWCRC had authorized payment, based on the information provided by the WRTC and WisDOT and that they were prepared to issue the check.

Ben Meighan said that the project had been inspected and that there were still a few things to fix. Van Schwartz raised several questions about the actual inspection process. Ken Lucht said that in the future, commissioners will be invited to participate in the high-rail and that this would be coordinated with WisDOT. Graves noted that Section 3.01 of the Agreement forming the 66 Committee included requirements for inspection. Huntington said that WisDOT would provide the Committee with a copy of its Completion Certificate and he explained the information that is a part of WisDOT paper trail.

Huntington asked if the Committee would want to process invoices bill-by-bill or in larger increments. The railroad will be the project lead and will be working directly with WisDOT to process its reimbursements during the project. Jim Matzinger noted that the upcoming project will be in EWCRC's region and that the EWCRC will serve as the Committee's fiscal agent.

Under the terms of the Agreement, the Fiscal Agent is responsible for: a) maintaining records, b) investing project funds in a separate account in the name of the Fiscal Agent, c) disbursing funds, and d) filing required financial reports with WisDOT. Other responsibilities, throughout the course of the project cycle, include preparing the Committee's budget, providing it to member counties, and invoicing each county.

In discussion, it was agreed that the purpose of this Committee would not be to create a new bureaucracy. In summary, the consensus opinion was that as long as charges invoiced to the Committee are within the approved scope of the project and budget, the Committee will take action to have its designated fiscal agent process reimbursements in larger increments rather than on a bill-by-bill basis.

Motion to approve the close-out of financials from the Anderson Siding-to-Milton Junction project and the disbursement of funds, as previously authorized by each Commission / Goetz / Gray / Motion passed unanimously.

Van Schwartz recommended that the Committee work from the process outlined in the summary memo entitled *"Now that it's been approved, how will it work?"* (from Graves, 28 January 2005).

FOLLOW-UP:

7A. The Committee will want to establish a process for handling invoices. For example, will invoices come from WSOR for the local match portion after WisDOT has reviewed them and approved reimbursement? What supporting documentation will the Committee or fiscal agent require? What schedule of meetings would be appropriate for this process – bimonthly, quarterly, or other?

Ben Meighan told the group how WSOR had been able to bring the project in under budget with new machines, good crews, and good weather, despite increases in the cost of materials.

8. Slinger-to-Hartford Rehab Project

Ken Lucht told the group that Phase 1 is near completion, but that the railroad has had to re-prioritize after looking at costs and infrastructure needs. The proposed change in the scope-of-work would replace ties, ballast, resurface, and tighten every stake and joint on the rail, but would not replace rail or switches. When the economies of rail are more attractive, Meighan explained that they could replace rail, but that the railroad would not have to replace any ties at that time. The project would start at Slinger because that's closest to the ballast source.

Van Schwartz asked if there was enough business on the line to warrant the investment. Both WSOR and WisDOT staff spoke to the value of the project and Van Schwartz asked that this be noted in the Minutes.

Lucht explained that the railroad has worked with WisDOT to transfer some funds and that some new state funds will also be available this summer. Lucht asked the Committee to take some action to approve this proposal, contingent upon the approvals of the WRTC and the EWCRC at their meetings. He said that the local match for each county, factoring in the contributions of two new EWCRC members, would be a little more than \$13,000 per county. In addition, Lucht said that the railroad would like to propose a project near Avalon.

Motion recommending that each Commission approve the railroad's request, as presented, for the revised scope-of-work and expanded geography (from Slinger-to-Milwaukee, rather than Hartford) for the 2005 rehab project / Gray / Goetz / EWCRC and WRTC will each be asked to take action to 1) support the changed scope-of-work and expansion of the rehab area, and 2) transfer a portion of the designated project funds to reflect these changes. This request will be presented to the

WRRTC at its April 8th meeting and to EWCRC at its May meeting. Lucht explained that WSOR hopes to receive WisDOT funding and to start work on an Avalon project, which would also have a local match. WSOR will present more information about this project at the May meetings of the WRRTC, EWCRC, and the 66 Committee. He said that if the project is approved, WSOR could begin the work but the local match could be budgeted for 2006. Phil Blazkowski recommended that the Committee work to establish an annual amount for its budget request that is consistent. John Corey agreed that this would be a good practice. Huntington said that rather than waiting to find out what WisDOT funds will be available, the Committee should plan to budget based on the projects proposed in the railroad's application / **By consensus the Motion was amended to clarify that the local match for any project costs over-and-above what has already been approved for 2005 (for either the Slinger-to-Milwaukee project or any other project which may be approved to begin in 2005) would be considered as part of a budget proposal for 2006 / Motion passed unanimously.**

9. Insurance

Graves and Brownlee provided some background related to WRRTC's property liability insurance. Brownlee explained that it has been used (for example, relating to the Sauk Bridge demolition in 2003). The Commission has responsibility for track, bridges, and track on its bridges. She said that an insurance analysis had been done and it was determined that the Commission needed this coverage because it was not enough to rely on the counties. Huntington said that WisDOT will now cover only the percentage of insurance costs related to the percentage of track being rehabbed (for example, 80% of the 5% of the system being rehabbed). He said that WisDOT requires the railroad operator to have insurance but does not require the Commission to carry insurance. He said that WisDOT's attorneys have told him that, in the event of a claim, they'd be at the table. Schwartz said that it would be foolish for the WRRTC to not have insurance. Corey said, "Our ears over here have perked up."

FOLLOW-UP:

9A. Graves will get more information from WRRTC's insurance provider.
Brownlee will send a copy of the existing policy to John Corey.

10. PRTC's request for formal membership in the 66.0301 Agreement

At its last meeting, the WRRTC gave concept support to the PRTC's request and requested legal guidance outlining the process that would be required to formally amend the 66.0301 Agreement so the PRTC could formally be accepted into the 66.0301. Brownlee said that she sees no problem with amending the current Agreement to add the PRTC or in EWCRC's amending the Agreement to add new member counties. **Motion to authorize and recommend joinder by the Pecatonica Rail Transit Commission via Amendment to the 66.0301 Agreement / Goetz / Gray / Motion passed unanimously.**

11. Website - Suggestion by Van Schwartz that the EWCRC consider whether it would like to add material to the WRRTC's website at www.wrrtc.org

12. Calendar: the next meeting of the Committee will be at 1:30 pm on May 11th following the regularly scheduled EWCRC meeting. WRRTC will staff the meeting and, since Chair Van Schwartz will not be able to attend, Vice Chair Goetz will chair the meeting.

13. The meeting adjourned at 9:53 am

FOLLOW-UP:

9A. Corey will provide venue information and Graves will provide a map.
Graves will notice the May meeting of the 66 Committee.

66 Committee Members

EWCRC

**Daniel Goetz, Vice Chair
EWCRC
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**Edwin J. Qualmann
EWCRC
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**Joseph W. Koch
EWCRC
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WRRTC

**Forrest Van Schwartz, Chair
WRRTC
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Madison, WI 53719**

**Gene Gray
WRRTC
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Middleton, WI 53562**

WRRTC - Vacant